

# Notice of Allowability

Application No.

09/835,293

Examiner

Douglas N. Washburn

Applicant(s)

STRASSER, ERICH

Art Unit

2863

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12 June 2007.
2. ☒ The allowed claim(s) is/are 2-24,26,27 and 29-58.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1 Applicant's arguments, see amendment, filed 12 June 2007, with respect to claims 2-24, 26, 27 and 29-58 have been fully considered and are persuasive. The §102(b) rejection of claims 16, 18, 20, 21, 24, 26 and 27 has been withdrawn.

Applicant amendment overcomes objection to claims 2-15, 17, 19, 22, 23 and 29-54 and the objection is withdrawn.

### *Allowable Subject Matter*

2 Claims 2-24, 26, 27 and 29-58 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 16 recites, in part, "determining **several angular inclinations of said scanning device with respect to said linear measuring direction**, wherein each of said **several angular inclinations is determined from several measured position values**". This feature **in combination with the remaining claimed structure** avoids the prior art of record.

Claims 17-23 and 55 depend from claim 16.

Claim 24 recites, in part, "detecting **several angular inclinations of said scanning device in relation to said linear measuring direction of said at least one linear scale by detecting position measurements of said scanning device at several scanning points**". This feature **in combination with the remaining claimed structure** avoids the prior art of record.

Claims 2-15 and 56 depend from claim 24.

Claim 26 recites, in part, "detecting **several angular inclinations of said scanning device in relation to said linear measuring direction of said at least one linear scale by detecting position measurements of said scanning device at several scanning points**". This feature **in combination with the remaining claimed structure** avoids the prior art of record.

Claims 29-41, 57 and 58 depend from claim 26.

Claim 27 recites, in part, "detecting **several angular inclinations of said scanning device in relation to said linear measuring direction of said at least one linear scale by detecting position measurements of said scanning device at several scanning points**". This feature **in combination with the remaining claimed structure** avoids the prior art of record.

Claims 42-54 depend from claim 27.

It is these limitations, which are not found, taught or suggested in the prior art of record, and are recited in the claimed combination that makes these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

3 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas N. Washburn whose telephone number is (571) 272-2284. The examiner can normally be reached on Monday through Thursday 6:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DNW

  
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